THE THIRD DAY.

WEDNESDAY, THE 29TH FEBRUARY 1928.

The Assembly met again at 11-30 A. M. on Wednesday, the 29th February 1928.

22. Grievances of the public in regard to the work of the civil courts and remedies therefor.

MR. NARAYANARU KRISHNARU (*Member, Jenmies, Trivandrum Division, Group II*) spoke first about the commissions issued by civil courts and the fees charged for them. Ordinarily Munsiffs could levy commission fees up to Rs. 25 and Judges up to Rs. 50. But in fixing the amount of fees no definite rule was followed. Least of all was the distance of the place to which the commissions were sent taken into account. In order to standardise the amount of the fees paid, it was desirable to prescribe first class batta for commissioners as in the case of officers on circuit.

In regard to the personnel of the commissions, the member pointed out that formerly they were appointed by the court itself, whereas now they were nominated by vakils. But vakils had always to nominate the candidates who had the favour of the court. It was therefore impossible for the vakil or the party afterwards to prefer any complaint about the conduct of the commissioners who at least in name were their own nominees. Then again in choosing the personnel no attention was being paid to the particular qualifications of the persons for the work which they undertook to do. For instance a commission to estimate the value of a building was seldom granted to a man experienced in the construction of buildings. A commission to survey and demarcate a property was seldom given to persons experienced in survey. These defects had to be removed.

The member next dealt with the preparation of decrees. Much delay was often caused in the execution of decrees, on account of mistakes made sometimes intentionally in the preparation of decrees. To take an example, simple mistakes were often intentionally made in figures recorded in decrees, simply to delay execution and then to rectify these mistakes notice had to be issued to parties and an enquiry made. In order to prevent the commission of such mistakes either the clerk who wrote the decree or the Munsiff who signed it had to be made responsible for the damage accruing to parties.

Another feature of the Judicial Department about which the member had to complain was the work of the amins, owing to whose careless reports, decrees could not be executed in time. Complaint had also to be made about the delivery of judgments. Instances were not wanting in which cases were adjourned thrice and four times merely for delivering judgments.

So far as the High Court was concerned, the member proposed that cases might be boarded for hearing at least six weeks before the hearing.

DEWAN'S REPLY: Mr. Krishnaru, as regards the latter part of your representation, namely, the unnecessary adjournment of cases, I am informed that the High Court is already taking action to prevent such unnecessary adjournments.

As regards the other matters relating to the practice of courts such as appointment of commissions, boarding of cases for hearing and the matter of decrees, I shall have your views placed before the High Court.

LIBRARY ARCHIVES Kerala Legislative Assembly